

## **Establishing a state consortium for assessment: A discussion of factors to consider**

Charles A. DePascale

National Center for the Improvement of Educational Assessment (NCIEA)

December 2009

Unparalleled demands on state assessment programs and conditions associated with the availability of federal monies, particularly the \$350 million portion of the \$4 billion Race to the Top funds set aside for assessment, have led to a renewed interest in the establishment of state consortia for the development and administration of assessment programs. The motivation to establish state consortia may be driven by a combination of factors such as a) the desire for national, cross-state comparisons on a common assessment produced by a consortium of states, b) the belief that a consortium of states working together is more efficient and cost effective than individual states developing their own assessments, c) the belief that a consortium of states working together will produce higher quality assessments than any individual state working on its own, and d) the belief that a consortium of states working together increases the equity in assessment resources available across states. Similarly, there are a variety of purposes for which an assessment consortium might be established including a) developing common, general summative assessments to be administered across states, b) developing common components of a general, comprehensive assessment system, c) developing specific assessments to measure the knowledge and skills of particular subgroups of students (e.g., ELL or SWD), and d) conducting research and determining best practices in the design and use of various assessment models, item types, and alternative formats to create comprehensive assessment systems.

Regardless of the motivation for establishing the consortium or the specific purpose for which the consortium is established, there are common factors that will impact the operation of any consortium that should be considered as it is being established. In this document, we provide a framework that includes four major areas to consider when establishing a consortium:

1. Role of consortium members
2. Governance of the consortium
3. Management of the consortium
4. Structural organization of the consortium.

Although these areas are interrelated, the issues encountered within each area are significant and distinct enough to warrant discussion within its own section. In part because there are no hard and fast rules regarding the organization of a state consortium, it is critical that any proposal to develop a consortium include consideration of how issues within each of these four areas will be addressed.

It is common to write and speak naively of a state or consortium of states developing an assessment program. Also, it appears that the assessment consortium idea is attractive to

many people because of the assumption that consortia reduce workloads of state assessment personnel. Before beginning the discussion in this document, it is important to establish two axioms on which the arguments presented in this document are based:

Axiom 1: States play only a partial role in the development and administration of state assessment programs.

Under current state and federal requirements, states do not have the capacity, expertise, or desire to fully design, develop, and administer a state assessment program. A variety of advisors, partners, assessment contractors, and vendors play a crucial role in state assessment programs. The level of involvement and the particular areas of involvement of states will vary based on capacity and expertise, but some external support is required in virtually all cases.

Axiom 2: A consortium is an entity distinct from the institutions or organizations that it comprises.

Whenever a group of states, institutions, organizations, or even individuals is convened the management of that group becomes a distinct task requiring the allocation of resources above and beyond those assigned to accomplish the tasks for which the group was convened.

When reading the document, it is also important to realize that a consortium is dynamic and fluid, and that the roles, governance, management, and structural needs of the consortium may change over time as the consortium moves from a focus on design and development to the operational administration of an assessment to maintaining and growing an operational assessment program. It is also important to realize that although this document is concerned primarily with states as *members* or *leaders* of a consortium, the leadership of a consortium may fall to other partner organizations or institutions involved in the consortium.

## **Role of Consortium Members**

*State leaders must be clear when joining a consortium about how intensive a role they expect to play and whether they have the capacity and/or resources to meet this level of involvement.*

The function that state personnel serve within a consortium varies greatly across consortia. Factors such as the size of the consortium, the expertise and capacity of its members, and the perceived importance and impact of the purpose and products of the consortium interact to determine the appropriate organizational model for the consortium and the optimum level of involvement of the individual states. The level of state involvement in a viable consortium can range from total involvement in all operational decisions to serving as an advisory or policymaking board to minimal direct involvement in operations decisions.

In general, there is likely to be an inverse relationship between the size of the consortium and the level of control, influence, and involvement of individual states. If the goal of the consortium is to produce a common product then individual states will be more likely to be asked to compromise and give up individual practices and preferences as the size of the group increases. Also, it simply quickly becomes too unwieldy and inefficient to seek state input and approval on all operational decisions, and perhaps all policy decisions, as the size of the consortium increases.

Conversely, there is likely to be a direct relationship between a state's level of involvement in the consortium and its capacity, interests, and level of expertise. States may expect to exert more operational influence and control in a consortium convened to develop multiple-choice, summative assessments (an area in which they have extensive experience) than in a consortium whose purpose is to develop the infrastructure and hardware for a technologically-based assessment system (an area in which they have limited expertise). Similarly, states are more likely to desire to maintain policy control on projects dealing with areas in which they have made a significant investment or have a passionate interest. However, states may be more willing to cede control to the consortium if they have limited staff and resources to devote to the project.

The perceived importance or impact of the project will also impact a state's level of involvement in the consortium and their willingness to compromise on issues brought before the membership. A project that impacts a very small percentage of students or has minimal consequences attached to its results may be one in which states are less inclined to exert control or influence. Conversely, a project which has significant legal, financial, or political implications is one in which an individual state may expect to be heavily involved in all major policy decisions and/or maintain a high level of control and influence over the decision-making process.

## **Governance of the Consortium**

*There are a range of possible governance structures for a consortium ranging from full operational partnership to a “users” group model. The governance structure will affect all other aspects of the consortium, so potential members will have to weigh various considerations when deciding on the governance structure of the proposed consortium.*

When a consortium of states is created, it will be necessary to establish a governance structure for its operation. The purpose of the governance structure is to define the relationship and roles of the individual members of the consortium as well as to establish the procedures and protocol by which the consortium will operate. The mission of the consortium, its purposes and goals, and the products it expects to produce or services it expects to deliver should also be clearly delineated and understood to ensure that they are supported by the established governance structure.

One of the first decisions to make regarding the governance of the consortium is the role of the individual members in its governance. Three common governance models for consortium are

- members are operational partners in the consortium,
- members serve as a board of directors for the consortium, and
- members serve on an advisory committee for the consortium.

A fourth model is the “user group” model in which the members are consumers of a common product produced by an external contractor/vendor and exert only indirect influence through organized feedback and market choices. In the user group model, the development of the assessment is likely to be non-collaborative, but the consortium of states may be directly involved in the development of ancillary products and services related to the interpretation and use of assessment results.

If it determined that member states have a direct role in the governance of the consortium as partners or as a board of directors then additional decisions regarding the distribution of power among member states must be made. In a consortium where states are voting members, a basic question to be resolved is whether the states are equal partners – that is, one state/one vote. Although equal representation and voting rights may be the preferred approach in many cases, there are cases in which other approaches might also be considered such as the following:

- There is a wide discrepancy in the populations of the member states, and consequently in their level of use of the products and services.
- There is variation in the level of commitment or in the contribution that member states are making to the consortium.
- The stakes associated with the product or services of the consortium are much higher in some member states than others.

Like design of the United States government, it may be the case that the consortium does not establish a single voting policy applicable to all situations. There may be some topics in which each state has a single vote, others in which votes are proportional, and some which require unanimous agreement among the states.

Although a clear consensus among the states is preferred for most decisions, the situations for which unanimous agreement is required – or in which an individual state has veto power – should be limited in number and to issues in which unanimity is critical. Veto power, in general, is counterproductive in a project designed to produce a quality product in a timely manner. The result of allowing a single state to block decisions is most likely either a slowing down of the process or a narrowing of the product to only those elements on which all member states agree.

## Management of the Consortium

*Managing the consortium is a task distinct from managing the assessment program that, like governance, can range from a very intensive commitment (e.g., multiple FTE) to a somewhat reduced role (e.g., ½ FTE). This will require that the consortium budget significant resources for a high-quality person or organization to fill this role.*

Management of the assessment program that the consortium was constituted to develop is an obvious responsibility of the consortium. Above and beyond the management of the tests and related assessment services, however, is the perhaps less obvious task of managing the consortium itself. Like any organization, the consortium must be properly organized and managed to effectively and efficiently carry out its tasks and meet its

goals. The amount of resources needed to manage the consortium depends, of course, on all of the factors previously discussed including the size and structure of the consortium, the level and type of involvement of its members, as well as the number and type of products designed and implemented by the consortium. Some resources, however, will have to be devoted to the management of every consortium of states.

Management of the consortium refers to those tasks and services not directly related to the administration of the assessment program that must be performed to ensure the smooth operation of the consortium. At the most basic level, these tasks might involve support tasks such as coordinating communications among consortium members, scheduling meetings, and making travel arrangements. In consortia with active involvement of the members, consortium management is also likely to include higher level project management responsibilities to coordinate decision-making among the members. Management of the consortium might also involve serving as a liaison between the consortium members and their various contractors and vendors or actually serving as the contracting agent for the consortium. As the focus of the consortium expands beyond the development and delivery of an assessment, consortium management might also be responsible for tasks or contracts related to support materials, technical advisory roles, professional development services, and research and development.

In many cases the individual or group responsible for the management of the consortium will be a third party external to both the state members of the consortium and to the assessment contractor, but clearly serving as the states' advocate. Management external to the states can be advantageous to the state members because no single state is asked to assume the burden of consortium management and no single state is placed in a perceived position of power within the consortium. Establishing management control external to the contractor is a logical option in cases where there are multiple assessment contractors and cases in which policy conflicts across states will need to be negotiated and resolved – both of which are likely occurrences in a consortium assembled to develop and administer a comprehensive state assessment program.

The consortium model in which the consortium is managed by the assessment contractor is most likely to be found is the *user group* model. As described previously, the user group model is a largely non-collaborative model in which multiple states are purchasing the same product from a single agent. In this model, the common assessment, and perhaps the consortium itself, is inextricably linked to a specific contractor. In a common scenario for this model, the agent would be a test publisher selling an *off-the-shelf* test. In another scenario the agent could be a state whose custom-made assessment program other states have agreed to administer. However, it is likely that a state will not have either the capacity or the desire to actively manage the sale of assessment products and services to other states. Of course, internal management of the consortium by the assessment contractor is not limited to consortia which are non-collaborative or in which the contractor has all of the control. States may serve as board members or advisory panels exerting influence on the design and direction of an assessment program managed by the assessment contractor. Also, as previously noted, none of the consortium classifications presented here are totally distinct or permanent. A consortium may begin

as a partnership with heavy state involvement during the design and development phase of an assessment program and begin to function more like a user group as the assessment program becomes operational

## Structural and Legal Organization of the Consortium

*States' legal and fiscal structures and rules can derail the best laid assessment plans. Therefore, it is crucial that state assessment leaders and consortia organizers clearly understand the structural, legal, and fiscal constraints of the various state members and design the consortium structure to account for these issues.*

Distinct from the governance and management issues are a variety of topics related to the structural organization of the consortium. One set of issues relates to the structure of the consortium and the formal interactions of its members:

- the legal organization of the consortium,
- rights, responsibilities, and obligations of consortium members, and
- protocol for allowing additional states to join the consortium or for states to leave the consortium.

A second set of issues relates to the funding of the consortium's activities and the manner in which states pay for and use assessment materials produced by and for the consortium:

- funding options,
- procedures for entering into contracts with third parties, and
- procedures for the expenditure and collection of funds.

Finally, related to both the rights and responsibilities of consortium members and the financial issues listed above are issues related to the ownership and use of materials purchased or produced by the consortium,

Each of these topics is too complex to fully discuss within this document, but several key issues are highlighted in the following paragraphs. As with the areas of management, governance, and roles of consortium members discussed previously in this document, the structural needs of the consortium are likely to change over time. It is critical that the consortium anticipates those changes and builds in the flexibility to adapt to the changing circumstances.

Dependent upon the design of the consortium, its legal organization can range from a relatively informal agreement among states to the formal establishment of a separate corporation (for-profit or not-for-profit). As the size of the consortium grows or the risks and responsibilities assumed by the members grows the more likely it is that the issues the consortium faces will become more complicated and the consortium will require legal advice and formal agreements among states. As a starting point, it will be necessary to establish procedures to protect individual consortium members, partners, and contractors from and minimize the potential impact of a) decisions by individual states to no longer participate in the consortium or b) the inability of individual states to meet their obligations to the consortium.

Fairly early in the process, it will become necessary for the consortium to generate revenue to support its efforts and to expend money to pay for services. In dealing with

multiple state governments, legal requirements for both generating and expending resources may be complicated and vary significantly across states. It may be the case that initial work of the consortium is funded, at least in part, through federal grants, grants from private foundations or similar organizations, support from partner organizations, or contributions from member states. The level of support needed for the initial work of the consortium will vary tremendously based on the extent to which the consortium is directly involved in the design, development, and ownership of a custom assessment as opposed to purchasing an assessment developed and owned by a commercial test publisher.

At some point, the consortium or its individual state members will also have to enter into contractual agreements with assessment contractors or related vendors for activities related to the administration of an assessment program. In most cases it is likely that this will involve individual state contracts with either the consortium (as a separate corporation) or directly with a general assessment contractor. It is less likely that the consortium will adopt a model in which state partners will be required to enter into individual contracts with a variety of vendors providing services related to the administration of the assessment (e.g., printing/production, shipping, scoring, reporting). It may be the case, however, that individual states, or groups of states, may require specialized optional services due to factors related to their population, location, or legal requirements that are distinct from those required by the other states in the consortium.

When the consortium reaches the point that it is purchasing or producing materials (e.g., test items, test booklets, ancillary test materials, or professional development tools), issues related to the ownership and appropriate use of those materials will need to be resolved. The consortium may try to avoid ownership issues by establishing procedures in which a) nothing is owned by the consortium (i.e., all materials are owned by an assessment contractor) or b) all materials are jointly owned and available for use by all consortium members. Neither of these approaches, however, will totally eliminate the need for the consortium to confront issues related to how, when, and by whom the materials can and should be used within the consortium, by states or non-commercial groups outside of the consortium, or by commercial groups not directly affiliated with the consortium. The consortium will also have to establish policies to handle damages caused by intentional or unintentional misuse of assessment materials.

## Examples

In this document, we provided a framework for the establishment of state assessment consortia that includes consideration of four critical factors:

- Role of consortium members
- Management of the consortium
- Governance of the consortium
- Structural organization of the consortium.

To conclude this overview, we will use that framework to provide brief descriptions and comparisons of three existing state assessment consortia that differ on one or more of the dimensions discussed in this paper:

- New England Common Assessment Program (NECAP),

- World-Class Instructional Design and Assessment Consortium (WIDA), and
- Achieve ADP Assessment Consortium (Achieve)

These three programs differ in many of the factors described above as well as in the type of assessments that are offered, the use of those assessments, and the general purpose of the consortium. They provide models of consortia in which the assessment is jointly owned (NECAP, WIDA) v. privately owned (Achieve); consortia in which assessment contractors and other partners play different but critical roles; and three significantly different models of consortium governance, management, and structure.

NECAP is essentially a partnership of four states in the development of a custom state assessment program designed to meet NCLB Title I requirements with tests in English language arts and mathematics at grades 3 through 8 and 11, science at grades 4, 8, and 11, and writing at grades 5, 8, and 11. New Hampshire, Rhode Island, and Vermont administer all NECAP tests. Maine administers the English language arts, mathematics, and writing NECAP tests at grades 3 through 8.

The WIDA Consortium is a non-profit cooperative of 20 states and the District of Columbia focused on standards and assessments for English language learners. Consortium members administer the Access for ELLs tests developed by the Consortium as their state English proficiency assessment required by Title III of NCLB.

The Achieve ADP Assessment Consortium is a consortium of 15 states who are members of the larger 35-state American Diploma Project (ADP) network dedicated to improving the level of college and career readiness of high school graduates. States use the Algebra II and Algebra I end-of-course tests administered through the consortium in a wide variety of ways. Some states administer the tests to all students completing either Algebra I or Algebra II. Other states administer make the tests available to districts on a voluntary basis. Some states administer only the Algebra I or the Algebra II test. In the future, some states may use one of the end-of-course exams as a state high school assessment to meet NCLB Title I requirements or as a component in student graduation decisions. One goal of the consortium is that the Algebra II test will be a valid indicator of readiness for an entry-level college mathematics course and will be used to support placement decisions at postsecondary institutions.

There is some overlap in membership across the three consortia. The four New England states are all also members of the WIDA Consortium. Seven of the WIDA Consortium states are also members of the ADP Assessment Consortium. Rhode Island is a member of all three consortia.

The table on the following page provides a very brief summary of the organization and operation of the three consortia based on the framework provided in this document. The table highlights the significant differences among the consortia in areas such as ownership of the assessment, management of the consortium, and participation of the membership.

Overview of the Organization and Operation of Three State Assessment Consortia: NECAP, WIDA, Achieve Algebra				
	Role of Members	Governance	Management	Structure
New England Common Assessment Program	<ul style="list-style-type: none"> <li>Four member states actively participate in the development of a common assessment with their assessment contractor – Measured Progress</li> </ul>	<ul style="list-style-type: none"> <li>Member states are equal partners in all decisions regarding the assessment program.</li> </ul>	<ul style="list-style-type: none"> <li>Center for Assessment provides management support to the states – <math>\frac{1}{2}</math> FTE</li> </ul>	<ul style="list-style-type: none"> <li>Assessment is owned jointly by the individual states.</li> <li>States issue identical RFP and enter into individual contracts with the assessment contractor.</li> </ul>
WIDA Consortium	<ul style="list-style-type: none"> <li>Original member states (Wisconsin, Delaware, and Arkansas) and eight second-wave states (including District of Columbia) worked with partners at the Center for Applied Linguistics, University of Wisconsin system, and University of Illinois to develop standards and an assessment framework.</li> <li>Current member states serve on the WIDA Board and play a variety of roles in various WIDA projects.</li> </ul>	<ul style="list-style-type: none"> <li>Member states serve as voting members on the WIDA Board providing input and direction on policy decisions and future efforts of the consortium.</li> </ul>	<ul style="list-style-type: none"> <li>The WIDA Consortium is a fully-staffed non-profit cooperative.</li> <li>In addition to administration and operations, WIDA staff also includes groups focused on assessment, professional development, and ongoing research.</li> <li>In addition to the assessment, the consortium is involved in work on standards, offers professional development services to members, and conducts research and validation projects.</li> </ul>	<ul style="list-style-type: none"> <li>Assessment and other products/services are owned by the consortium.</li> <li>State costs for tests are covered in an annual membership fee states are assessed.</li> <li>Consortium enters into contracts with contractors and vendors to services related to test administration, scoring, and reporting.</li> <li>Consortium received initial funding through a federal Enhanced Assessment Grant.</li> <li>Consortium continues to receive grant funding to support ongoing activities beyond the assessment</li> </ul>
Achieve ADP Algebra End-of-Course Exams	<ul style="list-style-type: none"> <li>Original nine member states actively participated in the development of content standards and design of the tests and testing program with Achieve.</li> <li>Current fifteen member states serve on item review committees; approve proposed contract changes and schedules with their assessment contractor - Pearson.</li> </ul>	<ul style="list-style-type: none"> <li>Member states serve on Coordination and Direction Team (CDT) which functions primarily as an advisory panel to Achieve and Pearson.</li> <li>States are asked to approve changes to test design and schedules. Consensus agreement is required for significant changes to contract with Pearson.</li> </ul>	<ul style="list-style-type: none"> <li>Achieve manages the consortium with significant input from the member states and serves as primary contact with the assessment contractor – 2+ FTE</li> <li>Additional management support directly related to the test administration is provided by Pearson.</li> </ul>	<ul style="list-style-type: none"> <li>Assessment is owned by Pearson</li> <li>Pearson assumed initial development costs prior to sale of operational tests.</li> <li>A single procurement RFP was issued by one state. Other member states may enter into agreements with Pearson to purchase tests through that contract.</li> <li>Entry of new states is facilitated by Achieve through the ADP Network.</li> </ul>